

AN ORDINANCE

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BY: COUNCILMEMBER ANNE FAUVER

AN ORDINANCE AUTHORIZING THE DISSOLUTION AND RELEASE OF AN UNUSED PORTION A SANITARY SEWER EASEMENT WHICH IS NO LONGER REQUIRED DUE TO THE RELOCATION OF THE SEWER MAIN, AND TO ALLOW ALL EASEMENT RIGHTS TO REVERT TO THE PROPERTY OWNER, SAID PORTION BEING APPROXIMATELY 2,015 SQUARE FEET (0.046 ACRES) LOCATED IN LAND LOT 56, 18TH DISTRICT, DEKALB COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has completed construction of the South Fork Peachtree Creek Relief Sewer project; and

WHEREAS, the alignment of the new sewer allowed the removal of an old sewer main which had previously crossed Peachtree Creek; a portion of the now removed sewer occupied an easement on the single-family residential property belonging to Mr. Geoffrey G. Eichholz. Said property being identified as parcel ID # 18-056A-06-001 located in Land Lot 56 of the 18th District of Dekalb County in the City of Atlanta, also known as 1784 Noble Drive, NE, Atlanta, GA; and

WHEREAS, the removal of the sewer main negates the necessity of maintaining an easement;

WHEREAS, upon request of the underlying property owner, it is the normal and ordinary process of the City of Atlanta to waive all claim to any unused easement which has no identifiable potential for future use, and to dissolve and remove the encumbrance by quitclaiming all rights to the property owner; and

WHEREAS, the underlying property owner has made such request;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: That a portion of a sanitary sewer easement from which the sewer main has been removed, upon the single-family residential property belonging to Mr. Geoffrey G. Eichholz, said property being identified as parcel ID # 18-056A-06-001 lying in Land Lot 56A of the 18th District of Dekalb County in the City of Atlanta, also known as 1784 Noble Drive, NE, Atlanta, GA, is hereby declared no longer useful or necessary for present or future public use and convenience, and is hereby dissolved. Any and all rights associated with the easement shall revert to the underlying owner. The applicable portions of the easement are as shown on

attached plat and described on attached legal description Exhibit A.

Section 2: That any and all other easements upon said property to the interest of the City of Atlanta shall remain in effect unchanged.

Section 3: That upon approval of this ordinance, and upon review and acceptance of the necessary documents by the Department of Watershed Management, the City Attorney is hereby directed to prepare a Quitclaim Deed for execution by the Mayor, containing terms and conditions appropriate and/or legally required for this transaction to be approved by the City Attorney as to form.

Section 4: That the Quitclaim Deed will not become binding upon the City and the City will not incur any liability until all documents related to the dissolution of said easement have been executed and filed in the county court house.

Section 5: That all code sections, ordinances, and part of code sections and ordinances in conflict with this Ordinance are waived to the extent of the conflict.